



Immigration Advice and Rights Centre

annual report  
2017/2018





### Acknowledgement of country

The Immigration Advice and Rights Centre acknowledges that we stand on Aboriginal lands; we recognise the strength, resilience and capacity of Aboriginal people and pay our respects to Aboriginal Elders past and present.

Always was, always will be,  
Aboriginal land.

### Design

Studio Cahoots [www.studiocahoots.com.au](http://www.studiocahoots.com.au)

### Photographs

Many of the photographs used in this report are sourced from Unsplash: beautiful, free images gifted by the world's most generous community of photographers. <https://unsplash.com>

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# Our Vision, Our Purpose and Our Values

## Our Vision

Recognising that Australia is enriched by the intake of people from different cultures and countries, our vision is for vulnerable people to receive fair and just immigration outcomes.

## Our Purpose

The Immigration Advice and Rights Centre advocates for a just and equitable Australian immigration system. IARC helps vulnerable migrants navigate Australian immigration law through the provision of free legal advice, casework, information and referrals, community legal education, law reform and policy advocacy.

IARC's clients are some of the most vulnerable people in Australia. They are often fleeing persecution, torture and violence. Many have been granted entry to Australia on humanitarian or protection visas, and they now want to be reunited with family and loved ones. Others are seeking asylum. Many have experienced significant trauma and suffer from depression and anxiety, or other physical illnesses and may be homeless, victims of domestic violence, have a disability or mental incapacity. All our clients are financially disadvantaged and cannot afford to pay for legal advice. We provide advice on a range of matters, including:

- citizenship;
- spouse, carer, child and other family visas;
- onshore refugee and offshore humanitarian visas;
- bridging, visitor and other temporary visas;
- resident return visas;
- character refusals and cancellations;
- family violence;
- merits review; and
- ministerial intervention.

We are a culturally and trauma informed practice with over 32 years of experience. Over 83% of our clients are culturally and linguistically diverse, with most requiring an interpreter. Over 52% of our clients experience domestic violence. Over 35% are homeless or at risk of homelessness. 18% live in regional and remote areas.

Our advice is free and confidential.

## Our Values

Expertise | Compassion | Confidentiality



# Our Strategies

IARC achieves its vision and purpose through the following activities.

## 1

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Providing an effective face-to-face immigration advice service to enable disadvantaged members of the community to access appropriate and timely legal advice.

## 2

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Providing an effective telephone advice and referral service accessible to people across NSW.

## 3

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Conducting education and training to ensure generalist legal centres, and other service providers have a sound understanding of immigration law and policy and their social justice implications.

## 4

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Providing accessible up to date information on immigration, refugee and citizenship law.

## 5

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Maintaining an effective and efficient organisation capable of expert and independent service delivery that meets professional standards and client needs.

## 6

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Engaging in advocacy on law and policy reform with a view to ensuring access and equity within Australia's immigration processes and promoting a just and equitable immigration system.



# Our Impact in 2017-18

**1493**

legal advices  
given

**794**

individuals  
helped

**1200+**

referrals made

**457**

people helped  
with family  
violence

**45+**

cases managed



# Our Governance

## Our Organisation

IARC is a not-for-profit specialist Community Legal Centre with over 30 years of experience in immigration law and policy. We are independent from government, although we are funded through the joint state and Commonwealth Community Legal Services Program. IARC is a membership based incorporated association constituted under the Associations Incorporation Act 2009 and the Associations Incorporation Regulation 2016. IARC is a member of Community Legal Centres NSW and accredited under the National Accreditation Scheme, an industry based certification process managed by the National Association of Community Legal Centres. This accreditation recognises best practice in the delivery of community legal services. IARC is a registered charity with the Australian Charities and Non-For-Profits Commission and is able to receive tax deductible donations. All immigration advice on behalf of IARC is given by practicing solicitors who are Registered Migration Agents and must comply with the Code of Conduct for migration agents.

## Our Committee of Management

	From 1 Jul 2017 until AGM	From AGM until 30 Jun 2018
<b>President</b>	Kathryn Viegas	Kathryn Viegas
<b>Vice President</b>	Kerry Murphy (resigned on 12 December 2017)	Joanne Been
<b>Secretary</b>	Jasmine Burns	Jasmine Burns
<b>Treasurer</b>	Suzette Peters	Suzette Peters
<b>Ordinary Member</b>	Joanne Been	Peter Gesovic
<b>Ordinary Member</b>	Peter Gesovic	Giulio Katis
<b>Ordinary Member</b>	Giulio Katis (elected on 27 September 2017)	Vacant

### **Kathryn Viegas**

Kathryn Viegas is a Director of Nomos Legal and is an Accredited Specialist in Immigration Law. She has practised immigration law since 2003. A migrant herself, Kathryn started her career at the HIV/AIDS Legal Centre before moving into private practice. She has worked at a number of boutique immigration law firms, including two that she has helped to establish. Throughout her career, Kathryn has advocated for the rights of the most disenfranchised within Australia's immigration programme, including asylum seekers and people living with HIV and other medical conditions. Since 2007, Kathryn has been involved in continuing legal education through her preparation and presentation of CPD programs for Nomos, IARC, the College of Law and other community organisations. Since 2016, she has been a contributing author for the LexisNexis online and looseleaf *Australian Immigration Law* publication. She holds degrees in Psychology and Law from The University of New South Wales, a Graduate Diploma in Legal Practice from the Australian National University and a Master of Laws degree from The University of Sydney. Kathryn is also a Founding Director of The TLR Foundation, established in memory of a former client to promote bone marrow donation in Australia.

### **Joanne Been**

Joanne Been is a strategic brand and communications specialist with a background in commercial law. An IARC Management Committee member for two years and a migrant herself, Joanne was drawn to working with the organisation because of the incredible contribution it makes to helping vulnerable communities in Australia. Joanne currently works at the Sydney Opera House as Brand Manager where she is responsible for brand strategy and campaigns. Previously, she has worked at Ernst & Young and Sparke Helmore Lawyers in marketing and communications and at Allens Linklaters as a commercial lawyer. Joanne also spent time in New York working in communications for the legal industry.



### **Suzette Peters**

Suzette is a Chartered Accountant and Senior Finance Executive with international experience in the medical device, pharmaceutical and recruitment industries as well as having other commercial consulting experience. Suzette brings a wealth of experience in financial reporting, statutory compliance, financial planning and business support. She is a member of the Institute of Chartered Accountants, and holds a Bachelor of Business (Accounting), Bachelor of Laws and Graduate Diploma in Advanced Accounting from Queensland University of Technology.

### **Jasmine Burns**

Jasmine is an experienced commercial lawyer, working at one of Australia's leading law firms in corporate, intellectual property and commercial litigation practice areas and as in-house legal counsel for companies across several industries, including one of the world's Big Four professional services firms. Jasmine is a former volunteer lawyer for the Homeless Persons' Legal Service, a former secondee lawyer at the Public Interest Law Clearing House NSW (now Justice Connect), and has been a volunteer reader at an Indigenous school since October 2015. Jasmine holds a Bachelor of Arts in Communication (Journalism), a Bachelor of Laws and a Graduate Certificate in Legal Practice from the University of Technology, Sydney. She is a member of the Law Society of NSW and the Association of Corporate Counsel Australia.

### **Giulio Katis**

Giulio Katis is a financial markets professional with an academic background in mathematics and computer science. He has interests in the transformational implications of new technologies especially as it pertains to the relationship between individuals and society. Giulio is the Managing Director of Westpac's Financial Markets eCommerce. Prior to joining Westpac he worked at Barclays Global Investors (BGI) as a Portfolio Manager, Strategist and Senior Researcher. Before moving to the world of finance, Giulio held research fellow roles at the University of Sydney and at l'Università degli Studi dell'Insubria (Como, Italy) He has a PhD in Pure Mathematics from Sydney University. Though born in Australia, he comes from a migrant family background. Giulio believes organisations working to create equal opportunity in society (especially for the potentially vulnerable) and to combat the parochial and negative aspects of 'entitlement', need to be supported in Australia.

### Peter Gesovic

Peter is a doctor and has been a member of IARC for the past decade. He consults to the health sector on both business and educational matters and in particular those concerned with general practice around Australia. The dynamic between traditional modes of pedagogy and emerging digital trends is a particular area of interest. He has been a close observer and student of global migration for many years using a variety of intellectual tools in the consideration of fundamental issues of human wellbeing.

### Our Staff

Director	Katrina Ironside	(until April '18)
Principal Solicitor	Ali Mojtahedi	
Senior Solicitor	Xanthe Emery	(until April '18)
Solicitor	Jessica Schulman	
Solicitor	Louisa McKimm	(until December '17)
Solicitor	Katerina Tordon	(until February '18)
Solicitor	Liz Simpson	(until May '18)
Solicitor	Nadia Khan	(until May '18)
Solicitor	Greg Rohan	(from April '18)
Solicitor	Alexandra Vaughan	(from May '18)
Community Legal Education Worker	Lydia Alexander	(until September '17)
Finance Officer and Interim Director	Jane King	
Project Officer	Avril Nadin	(until June '18)
Director	Sabina Wynn	(from June '18)
Project Officer	Codie Croasdale	(from March) Worked to end of July

## Case Study: Carer visa

Annabel and her husband are Australian citizens living in Sydney. They approached IARC for assistance in sponsoring a relative to move to Australia as a carer for their profoundly disabled daughter who suffers from a rare genetic condition. This condition as well as developmental and behavioural disorders leave her unable to tend to the practical aspects of daily life such as eating, washing and dressing herself and she will need round the clock care for the rest of her life. Due to their age and their own medical conditions, Annabel and her husband are struggling to provide their daughter with the care that she needs. The family subsist on the aged pension and carer allowance.

IARC met with Annabel and her husband to explain the criteria for carer visas and to determine whether they would be able to sponsor a family member to help them look after their daughter. Once a suitable family member was identified, IARC helped Annabel and her husband prepare the application, including obtaining medical evidence and preparing statements about their daughter's needs and the limited support available through the community.

Annabel and her husband have now submitted the carer visa application. Unfortunately, due to the cap on the number of carer visas that may be granted each year, they will have a wait of 4-5 years before the visa will be granted. In the meantime, they will continue to do their best to care for their daughter and give her the best quality of life they can.



# President's Report

This past year has been one of renewal and growth for IARC and I am extremely pleased to present this annual report to outline the important work that IARC has continued to undertake during this period of change.



**Kathryn Viegas**, President

In April our Centre Director, Katrina Ironside, resigned and I take this opportunity to thank her for her dedication and service to IARC over her three years with us. I also want to thank our Finance Officer, Jane King, for all of her contributions, including those as Acting Director until our new Director, Sabina Wynn, was appointed. Sabina joins IARC from the Australian Law Reform Commission where she was the Executive Director for ten years. Several of our solicitors also took up new opportunities including Xanthe Emery, Katerina Tordon, Liz Simpson, Nadia Khan and Louisa McKimm. I thank each of them for their hard work and dedication to IARC's clients and wish them well for their future. We have recruited new solicitors Greg Rohan and Alexander Vaughan who join our legal team alongside Principal Solicitor Ali Mojtahedi and Solicitor Jessica Schulman.

This year IARC's lease at the Kent Street office expired and we had to undertake the task of finding a new office location and preparing for our move in August. After an extensive search, we were extremely fortunate to locate a compact space in the Trades Hall building in Sussex St, Sydney. Finding, designing and fitting out a new office and preparing for a move is always disruptive and it is an enormous credit to the staff that they were able to keep providing advice and support to our clients throughout the whole process. Our new purpose-designed office, in the centre of Chinatown, will be an open, secure and welcoming place for both staff and clients.

IARC has also been through a strong strategic planning process with a new Strategic Plan in place for 2017-18 that has provided greater focus and direction for our service provision going forward. As part of this strategic process, the organisation has developed a new branding and logo, and a new website that provides improved online access to our services and information. This organisational renewal will help us to reach more people with our message of equality, inclusion and hope by supporting access to just and equitable immigration outcomes.

Despite the changes in personnel, IARC was still able to meet all of its targets, and in some cases, exceed them. This year we have seen an increase in the numbers of vulnerable women from Culturally and Linguistically Diverse Backgrounds—who find themselves in very violent and threatening relationships—seeking our support. Last year around 52% of the legal advice we provided concerned family violence and migration matters and we estimate that this number will continue to grow as more women and services hear about the support that IARC can provide.

The staff at IARC work tirelessly to keep on top of changes to immigration laws and processes so that they can provide the most accurate and effective advice to the people we are able to assist. Providing face to face advice to the various migrant communities residing outside of the Sydney metropolitan area in regional NSW has also been part of our work this past year and we were able to provide two regional sessions of consultations in Coffs Harbour, as well as providing telephone advices to people across the state. We anticipate that as more immigrants are settled in regional areas under a new focus for Government policy, this demand for our services from regional communities will intensify.

IARC is a member of the Community Legal Centres NSW and obtains critical core funding from the Joint State and Commonwealth Community Legal Centres Funding Program. We are extremely grateful for our government funders and for the support we have received from the peak body for community legal centres, CLCNSW. IARC has maintained accreditation under the National Association of Community Legal Centres National Accreditation Scheme, an industry based certification process for Community Legal Centres that supports and recognizes best practice in the delivery of community legal services. Ensuring that IARC's processes and service delivery are of the highest quality is an absolute priority for IARC's Management Committee and staff.



I would like to take this opportunity to thank those who have donated so generously to IARC. These donations are critically important and make a very real difference to the number of people we can support throughout the year. I also want to thank IARC's wonderful staff who are so hardworking and committed to our clients—they inspire each and every member of the Management Committee with their dedication. Their understanding and compassion are evident to anyone who spends any time in the office and I am constantly in awe of their professionalism and expertise. IARC is also supported by many student volunteers and Practical Legal Trainees. We are extremely grateful for the voluntary work that they undertake at IARC. We couldn't do our work without them!

It has been a privilege to serve as President for my fourth year, and I want to thank all IARC's Management Committee members for their contribution and support over this past year.

I look forward to us working together to build an even stronger IARC that can continue to respond to the many vulnerable people seeking our advice, help and support. Our vision is for a just migration system that is fair and equitable to all those seeking immigration outcomes and the need for our services has never been greater. Everyone at IARC will continue to work together to achieve this vision by offering expert legal advice to vulnerable migrants, refugees and asylum seekers who need our assistance, understanding and perhaps most importantly, our compassion.

**Kathryn Viegas**



## Case Study: Family Violence – withdrawal of sponsorship

Alice contacted IARC because while she was visiting family in China she received a notice from the Department of Home Affairs that her husband had withdrawn sponsorship for her partner visa. Alice came to Australia on a temporary partner visa to be with her husband. Soon after she arrived her husband became abusive towards her. He would criticise and yell at her, often making her cry. She had to ask his permission before she could leave the house. He would control her and the money she spent. He tried to stop her from having any friends, and often threatened to have her kicked out of their apartment, and the country, if she did not obey him. He often said that if she did anything wrong, he would send her back to China, where being divorced is shameful. As a result of this abusive behaviour, Alice began to suffer from anxiety and depression. Alice's husband sent her back to China under the guise of visiting family, and it was while she was there she received the notice from the Department of Home Affairs. Unfortunately cases like this are not uncommon at IARC.

IARC was able to help her, and explained that her husband could not cancel her visa, nor did he have the right to have her deported. Instead, we helped Alice make an application under the family violence provisions. We helped Alice collect evidence to show that she had experienced family violence from her husband during their relationship. Alice was granted a permanent visa independent of her husband.



# Legal Practice

We are a culturally and trauma informed practice with over 32 years of experience. 97% of our clients are financially disadvantaged. Over 83% of our clients are culturally and linguistically diverse, with most requiring an interpreter. Over 52% of our clients experience domestic violence. Around 35% are homeless or at risk of homelessness. 18% live in regional and remote areas.



Ali Mojtahedi, Principal Solicitor

The majority of IARC's legal work over the past year has involved providing advice and representation to disadvantaged members of the community in relation to family and humanitarian visas and Australian citizenship. Our work has extended to partner visas, carer visas, child visas, protection visas, visitor visas, health waivers, visa cancellations and character matters. Much of our work involved assisting vulnerable and often homeless people (predominantly women) on partner visas where they have experienced domestic and family violence. We also provided community legal education to other service providers and non-government organisations including women's refuges, health professionals, social workers and organisations offering settlement services for refugees and migrants. We worked with other services in an integrated approach to client matters, recognising that many of our clients experience multiple sources of disadvantage, including physical and mental health issues, disability, homelessness, unemployment, and low educational attainment. We also made numerous submissions calling for law and policy reform with a view to promoting a just and equitable visa and migration system.

Our legal practice is proudly trauma informed and culturally sensitive. Members of our team have expertise in working with survivors of trauma and culturally and linguistically diverse clients. We regularly work with people who are homeless, survivors of domestic violence, have special needs or experience gender and/or sexual discrimination. We take great pride in the quality and professionalism of our legal practice. Our message is one of equality, inclusion and hope.

### Where we can assist

- Family visas or family reunion
- Partner or spousal visas
- Carer visas
- Child visas
- Visitor visas
- Protection visas
- Humanitarian visas
- Family violence and migration matters
- Visa cancellations and refusals on the basis of character

### Where we are unable to assist

- Working visas
- Student visas
- Withdrawal of sponsorship
- Retirement visas

Our legal team continued to provide face-to-face advice to 686 clients. In many instances the service covered numerous legal issues and required the use of an interpreter. These advice sessions are generally set down for one hour appointments. Our legal team also provided 807 telephone advices. The Telephone Advice Line was revamped in September 2017. Previously, two scheduled sessions of two hours duration were provided each week, and people seeking advice were placed in a hold-queue until attended to. This was problematic for people in prisons and detention or those who otherwise did not have access to a telephone or were unable to phone during the allocated time/s. Telephone advice appointments are now scheduled in advance at any time during the day, five days per week, and offered in half an hour appointments. This system aims to be client responsive and accessible to those who require urgent advice or who do not readily have access to a telephone. It also allows IARC to provide an advice service across NSW to people who cannot attend a face to face appointment in Sydney.

In the last year we saw a significant increase in the number of people who contacted IARC for advice and representation as a result of having their visas cancelled. This increase was as a result of the *Migration Amendment (Character and General Visa Cancellation) Bill 2014* which passed both houses of Parliament on 26 November 2014. The new laws require the Minister to cancel the visa of any non-citizen who is in prison and who has been sentenced to a term of imprisonment of 12 months or more. In the year prior to the introduction of the new laws, 84 people had their visas cancelled under section 501 of the Migration Act 1958 (Cth) while in 2016/17, that

women and  
domestic violence

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disability

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homelessness

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financially  
disadvantaged

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custody and  
detention

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number dramatically increased to 1284. Many of these people assisted by IARC by providing telephone advice over the past year had been living in Australia for decades and were facing permanent separation from their Australian children, while others were at risk of being deported to a country where they faced persecution. We also saw an increase in demand for advice and assistance from people with disabilities seeking health waivers and also from people who could not access adequate support from NDIS wanting to sponsor family members to help care for their disabled children.

IARC also runs a Domestic Violence priority telephone service for case workers dealing with women on temporary visas who are experiencing family violence. This priority service ensures that case workers will be responded to, if not immediately due to service load, within 24 hours. The Domestic Violence Hotline was established to enable support workers and vulnerable visa holders to access immediate, confidential, specialist initial advice and support.

Domestic and family violence is a silent epidemic in Australia. Culturally and linguistically diverse women are particularly vulnerable victim survivors of violence. The 2016 [Report](#) by the Victorian government's Royal Commission into Family Violence identified that "the impact of family violence on CALD victims who do not have permanent residency is particularly severe because they have very limited or no access to support and can be at greater risk of coercion and control by sponsoring spouses and other family members. In addition to forms of family violence experienced in all communities, there are some specific forms of family violence experienced by women in some CALD communities—for example, forced marriage, female genital mutilation, and dowry-related violence." Visa dependence is one of the main barriers to migrant women accessing legal and justice support, and has a significant impact on their ability to leave a violent relationship. Up to half of the emergency accommodation being provided to victims of domestic violence are women on visas. Despite this vulnerability, culturally and linguistically diverse women have been largely overlooked in the conversation surrounding domestic violence. In 2017 Monash University published the first comprehensive study of temporary migrant women who have experienced domestic violence. The report by Professor Marie Segrave, [Temporary Migration and Family Violence](#), highlights the significant unmet need of this vulnerable cohort.



It is estimated that [one in six](#) women have experienced physical and/or sexual violence by a current or previous partner. Annually, there are 36 000 temporary partner visa applications, therefore this suggests that up to 6,000 temporary migrant holders may have experienced family violence. However, in 2015-16 only 529 family violence applications were made. Almost half of IARC's work involves assisting women on partner visas where they have experienced, or are currently experiencing, physical violence, sexual violence, controlling behaviour and/or financial abuse. Most of these clients are either homeless or living in a women's refuge, while others, who cannot find safe accommodation, continue to remain in abusive relationships. Our team has worked tirelessly to ensure that these women have the legal support, and through collaborating with other organisations, the social support, to be able to leave violent and abusive relationships without jeopardising their visa status.

We have set up the DV Program to give this work prominence; to ensure that victim survivors of domestic violence know where to go for help; to know that they don't have to stay in violent relationships for fear of threats of being deported and losing their children; and to give a voice to the group of migrant women who are still not recognised when we discuss the need for specialised services in the context of domestic violence in Australia.

IARC was also involved in case work and during the period we handled 49 cases, closing 36 and opening 10 during the reporting period. We continue to represent clients before the Department of Home Affairs, the Administrative Appeals Tribunal (General and Migration/Refugee Divisions) and the Federal Court of Australia. With all of our clients we endeavoured to provide a holistic service by connecting them to social services or other legal services where appropriate through our referral process.

### The Outreach Program

We have developed a strong partnership with North Coast Settlement Services in Coffs Harbour, and have been providing regular outreach services to the growing migrant community in this region for over three years. The Outreach Program was established in the area as the humanitarian resettlement program was experiencing significant growth while professional legal services available in the area remained limited.

#### Coffs Harbour Outreach



July and September  
2017 and March 2018



48 1HR advice  
appointments in 2017

18 1HR advice  
appointments in 2018



6 3HR CLE workshops  
in September and  
December 2017

The top ten countries of birth for our clients originate are:



## Case Study: Reuniting family

Tiana is an Australian citizen, who was diagnosed with a terminal illness.

Tiana was completely isolated as all of her family live overseas. She had not seen her family for many years, and was too sick to travel outside Australia. Tiana was especially worried that she had no one from her family who could perform the cultural end of life rituals that were important for her peace of mind. Tiana turned to IARC for assistance. IARC advised Tiana that a quick and expedient option was to lodge a tourist visa for her son so that he could visit and assist her to prepare for her passing.

IARC submitted ample evidence before the Department to support a successful application for Tiana's son's tourist visa, including submissions on the compassionate circumstances of the family situation. As a result, Tiana's son was able to travel to Australia to be with his mother in her final days. Tiana's son was able to perform the necessary rituals for Tiana which afforded her the dignity and compassion she deserved in her final stages of her life.



## Our community partners told us...

North Coast Settlement Service is a Special work of St Vincent De Paul Society and is funded by Department of Social Services under the Settlement Grants Program.

The relationship between North Coast Settlement Service and IARC began when it was noted that Coffs Harbour was the single largest IARC referral source and demonstrated how valuable and beneficial it would be for IARC to travel to Coffs Harbour to provide face to face advice sessions for newly arrived clients from a CALD background. It was identified that the face to face sessions would help to meet an identified gap in service delivery for clients experiencing difficulties comprehending the context of advice given by lawyers, having difficulty taking notes for their own purpose where follow up is required, struggling to keep up with the particular section of an application that they are receiving advice on, which then led to difficulties for the clients and lawyers. Prior to our established relationship with IARC there was no opportunity for people to seek free immigration advice face to face in our region. North Coast Settlement Service has assisted by providing in-kind support such as assisting with referrals for appointments, free room hire with access to phones, data projector and other resources required) and providing interpreters when required. IARC has also assisted with webinars for community service providers and face to face information sessions to the client base and service providers in Coffs Harbour, Grafton and Lismore (on a needs basis). IARC has also helped to deliver information sessions at TAFE Adult Migrant English Classes with the assistance of NCSS. Information sessions have included a range of topics including but not limited to: capacity building of community leaders and settlement service staff, child and other family visas, Offshore refugee and humanitarian visas, Domestic and family violence and immigration law, Working with lawyers, Inside Migration Law, Partner visas and employment, Volunteering and Slavery. IARC has also delivered training for caseworkers in FaCS funded organisations in our region. We appreciate IARC's continued support for clients in our region. IARC and NCSS have jointly undertaken significant work to ensure that we are able to deliver supporting in a way that incorporates the needs of the people we assist and look forward to continuing this relationship in the future.

**Cheryl Nolan,**  
Manager, North Coast Settlement Service, Coffs Harbour

Sebastian is a gay man from Kenya who experienced persecution because of his sexuality. Upon learning he was gay, his community including his own family threatened to kill him. Sebastian was imprisoned and tortured for being suspected of homosexuality before released and warned by the local police he would be subject to further imprisonment if he came to their attention again for homosexual behaviour.

Sebastian escaped Kenya and travelled to Australia on a student visa, however his mental health deteriorated the closer the end of his stay in Australia became, knowing he would face either imprisonment or death in Kenya for being gay. Sebastian became homeless and suffered from severe depression. IARC met with Sebastian to explore his options to remain in Australia and assisted him to apply for a protection visa. IARC also helped Sebastian access welfare services including homeless shelters, mental health professionals and the LGBTQI community for support.

## Case Study: LGBTQI



# Education & Training

## The Education & Training Program: Working with Professionals

The Working with Professionals Program comprises workshops on various aspects of immigration law focused not only on the law itself, but also on the cultural and psycho-social dimensions of the experiences of clients. Through our Program, we aim to:

- provide quality education for members of the sector;
- contribute to sector development; and
- build capacity, knowledge, specialist skills and practical tools for professionals.

Our Program is delivered by our legal team – the people who help clients every day, and the people with expertise in working with vulnerable people and Australian immigration law. Workshops are tailored to our audience, ensuring that we understand the context in which our participants work, use appropriate terminology and provide clear, plain language legal information.

We strive to ensure our presentations are stimulating, interactive and adhere to adult education principles. We encourage active participation, discussions and questions. We use a variety of tools to ensure participants are engaged and able to absorb complex legislation and case law.

Our participants  
told us...

“IARC’s training was entertaining, informative and absolutely relevant to the clients in our region. While they covered a great deal of information they also encouraged discussion and allowed ample time for questions so we can address the issues most relevant to us... family violence, understanding the obligations of clients with respect to the Department, assisting clients to obtain crucial legal advice and to gather appropriate documentation and then managing client expectations along the way. For me, it was a really efficient program and I will definitely be looking out for the next one.”

**Participant,**

Inside Migration Law, Coffs Harbour, September 2017

### Our legal team delivered



27 workshops or brief presentations to approximately 563 people on a broad range of migration law topics

The Program includes workshops on the following topics:

- **An overview of Australian migration law** – How it affects vulnerable people and their families
- **Domestic and family violence and immigration law** – A practical explanation of the DV/FV provisions of the Migration Act, traps for vulnerable clients and options if the provisions don't apply
- **Working with lawyers** – The Good, The Bad, The Ugly
- **Humanitarian visas** – Seeking Safety
- **Reuniting family in Australia** – options and strategies: including partner, carer, tourist, dependent or remaining relative, and child visas
- **Migration issues for vulnerable LGBTIQ clients**
- **Migration law and what to look for** – the increase in exploitation of vulnerable migrants in the workplace (Employment, volunteering and slavery)
- **Migration law and what to look for** – the increase in exploitation of vulnerable migrants in the family (Dowry abuse, forced marriage and female genital mutilation)
- **Visa cancellations and refusals** – options and inevitabilities
- **Latest updates in migration law** – the law and practical implications

As part of our broader Education & Training Program: Working with Professionals, in collaboration with and funded by NSW Family and Community Services (FaCS), we developed and presented workshops on a broad range of topics across Sydney and regional New South Wales to social workers, support workers, caseworkers and other key stakeholders in the specialist homelessness service space. The main goals of this collaborative project, **Inside Migration Law**, were to:

- increase migration law knowledge and education throughout New South Wales;
- meet and engage with key stakeholders on a personal level; and
- provide an opportunity to share knowledge and experience with professionals throughout the New South Wales.

Workshops were delivered in a range of locations including:

- **Greater Sydney:** Rockdale, Wollongong, Dee Why, Sydney CBD, Auburn
- **Rural Regional and Remote areas:** Broken Hill, Coffs Harbour, Lismore

We have also worked with the following services and networks to deliver workshops or brief presentations to team or network members:

- St George Domestic Violence Network
- St George Multicultural Network
- Manly Warringah Women's Resource Centre
- Migrant Women's Support Program, Women's Safety Services, South Australia
- Auburn Diversity Services
- Sex Worker Outreach Program
- Womens' Safety Services SA

### Continuing Professional Development

- Practice Management Course through the College of Law in Sydney. The workshops presented covered the Introduction to the Course and the Legal Practice component to the Course.
- Panel discussion at the DVNSW Conference in Sydney. The panel focused on women with no income experiencing domestic violence.
- Panel discussion at the inaugural Red Cross Practitioner's Forum in Parramatta. The panel focused on poverty and destitution in migrant communities.
- Presentation at the annual Migration Institute of Australia conference in Melbourne. The presentation focused on issues and trends in the family violence provisions.
- Presentation at the Inner City Legal Conference in Sydney. The presentation focused on Australian immigration law and LGBTIQ status, including reviewing the impact changes to the Marriage Act will have on partner visas and understanding protection claims by LGBTIQ visa applicants.

# Law Reform

In 2017-2018 we again saw many proposed legislative and policy changes to immigration and citizenship law and practice in Australia.

IARC made submissions on the following proposed bills and inquiries:

*Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017 – Senate Legal and Constitutional Affairs Committee*

We provided a written submission on the 'Citizenship Bill'. Our submission was particularly concerned with the proposed changes to the English language requirement, the proposed amendment to the provisions relating to citizenship by birth, and the proposed expansion of the Minister's public interest powers to set aside decisions made by the Administrative Appeals Tribunal. We also gave oral evidence in front of the Senate Legal and Constitutional Affairs Committee. As a result of the submissions and oral evidence provided, and the submissions and oral evidence of many other stakeholders, this Bill did not pass.

*Policy Consultation Paper – Visa Simplification: Transforming Australia's Visa System – Department of Immigration and Border Protection*

We provided a written response to the Department of Immigration and Border Protection's policy consultation paper which focused primarily on considerations for a new visa system for Australia. Our submission argued the importance of having strong family and humanitarian visa streams within Australia's immigration program.

*IARC supports a visa system that complies with our obligations under international human rights law, and is committed to a strong humanitarian program.*

*IARC supports a visa system that has a strong family reunification program.*

*IARC supports a visa system which recognises equally the value and contribution of all migrants to Australia, be they skilled, family or humanitarian entrants.*



IARC supports a visa system which allows for quick and efficient processing times, committed to the rule of law and the separation of powers, is transparent and accountable, and committed to rules of procedural fairness.

IARC supports a visa system that recognises the vulnerability of migrant communities, is led by trauma-informed practice and is committed to ensuring vulnerable migrants can access legal advice.

IARC believes the current security systems in place in our migration programme are sufficiently robust and do not require further additions.

#### *The Cameron Review - Submission to the NSW Department of Justice Review of CLC Services*

The Cameron Review examined a range of issues including the type, scope and geographical spread of CLC services that should be funded by the NSW Government; the funding levels that are required to enable CLCs to deliver those services; and the funding model that should be used to inform the allocation of available funding.

IARC endorses the recommendations contained in CLCNSW's submission to the Cameron Review.

Further, IARC recommends that the review recognises the intersection of federal migration law and state law as it impacts on vulnerable migrants on a visa in NSW.

#### *Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2017 – Senate Legal and Constitutional Affairs Committee*

We provided a written submission on this Bill, in which we expressed particular concern about the punitive measures the Bill sought to introduce into Australia's immigration detention system.

*It is our view that the Bill is not appropriate in its current form. The limitations placed on the right to privacy and the right against arbitrary interference with one's family and correspondence is not reasonable, necessary or proportionate. The Committee should recommend that it not be passed.*

### *Inquiry into the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018*

IARC was invited to appear before the Community Affairs Legislation Committee's Inquiry into the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018 on 17 April 2018 and, in opposing aspects of the Bill, made submissions on the plight of migrants experiencing homelessness and family violence.

### *Review processes associated with visa cancellations made on criminal grounds – Joint Standing Committee on Migration*

IARC provided a written submission to the Senate's Legal and Constitutional Affairs Committee's inquiry into the review processes associated with visa cancellations made on criminal grounds. Our submission argued that decisions to cancel a person's visa should continue to be reviewable due to the immense impact such a decision can have on an individual and his or her family.

*The decision to cancel a person's visa and the deportation that inevitably follows will have a significant impact on the life of the individual and also on their family and community. The visa cancellation process can be traumatic for all involved, including victims, and can result in the separation of families and breaches to Australia's international obligations. It is IARC's view that decisions of this magnitude must continue to be reviewable. It is also IARC's view and experience that the AAT plays an instrumental role in offering a review process that is fair, economical, quick and promotes public trust and confidence in the determination of visa cancellation matters.*

### **Involvement in advocacy and interagency groups**

We are an active member of the DVNSW Women with No Income Advocacy Group and Community of Practice, that involves a network of legal centres, government agencies and community organisations focusing on issues experienced by women on visas with no income.

During the year, our team were also active members of the following interagency groups:

- Red Cross Asylum Seeker Interagency
- Trafficking Response Network



# Our Volunteers

We are incredibly thankful for the work of our volunteers who give their time and energy week-in week-out. Without the support of our volunteers, IARC simply would not be able to function. IARC's volunteers include post-graduate law students who are able to complete their Practical Legal Training placement with us. Our PLTs provide paralegal assistance to our solicitors, including legal research and drafting, undertake reception duties and work on various projects as required. We ask that our PLTs are able to work a minimum of three days per week, and have at least 60 days of their 75 day placement with us. We also accept undergraduate law students as volunteers. Working with IARC solicitors and PLTs, these students are able to gain hands-on, practical experience of a community legal service by providing invaluable front-desk support to our legal team and our clients.

Our Professional Volunteers may come from a range of professional backgrounds and contribute their skills and knowledge to IARC, collaborating with us on the scope of their particular line of work or expertise. We are always interested in developing new initiatives, and Professional Volunteers allow these initiatives to become a reality. Areas could include IT, training, marketing, fundraising and finance.

<b>Practical Legal Trainees</b>	Lindsay Blackburn-Hart Niamh Joyce	Sidnie Sarang Olivia Todhunter
<b>Volunteer Legal Assistants</b>	Catherine Guo Codie Croasdale Dhruv Saggarr Dua Khan Joshua Ho Lauren Brain	Lara Dolva O'Dea Myra Issa Olivia Gould-Fensom Rebecca McKenzie Tamim Rahimi Thuy Vi La
<b>Professional Volunteers</b>	Barbara Becker	Siobhan Hughes



## Our University Partners 2017-18

University of New South Wales	Social Work Students	<ul style="list-style-type: none"> <li>Nicola Clarke</li> <li>Rosemarie Anuat</li> </ul>
University of Wollongong	Interns	<ul style="list-style-type: none"> <li>Abby Bartlett</li> <li>Kiandra Squires</li> </ul>
University of Sydney	Social Justice Students	<ul style="list-style-type: none"> <li>Holly McDonald</li> <li>Sin Yu (Stephanie) Tang</li> </ul>
Santa Clara University, California	Placement	<ul style="list-style-type: none"> <li>Jiovanna Aguirre</li> </ul>

## Our Referral Partners

We have established referral pathways with a number of services, which enable us to effectively assist those with specific, identified needs.



DVNSW	Referral Pathway for people experiencing domestic and family violence requiring migration law assistance
North Coast Settlement Service	Referral Pathway for people living in the Coffs Harbour region requiring migration law assistance
ACON	Referral Pathway for people who identify as LGBTIQ requiring migration law assistance
Cancer Council	Referral Pathway for people affected by cancer requiring migration law assistance

# Other Support

## Our Pro Bono Partners

We are grateful for the support from the legal profession who provide pro bono legal services and support to the Centre and to our clients.



Gilbert + Tobin

- Trademarking
- Advice regarding new initiative



Hall & Wilcox

- Mapping of services available to provide clearer pathways for clients and referring services



DLA Piper

- Advice regarding new initiative



Colin Biggers Paisley

- IARC Plus Wrap-Around Service
- Support for LGBTIQ Program

HENRY DAVIS YORK

Henry Davis York

- Education & Training workshop development
- Advice regarding new initiative



Herbert Smith Freehills

- Advice regarding new initiative

## Our Donors and Supporters

We rely on the generosity of our donors and supporters to enable us to continue to assist those in need. We would like to express our heartfelt thanks to our donors who have made financial and in-kind contributions towards the work of our Centre, and have attended fundraising events.

“Your loose change is the change for the people that we assist on a day-to-day basis, and for that we say thank you.”

### In-kind donors

Without the support of our in-kind donors, fundraising events simply wouldn't be possible. We thank our in-kind donors for the generous support offered.

### Battle of the Sexes Film Night

- Pernod Ricard Winemakers
- Potts Point Bookshop
- Lot 19 Café
- Nomos Legal

### Trivia Night

- SWAAB Attorneys
- Sydney Theatre Company
- LUSH
- Taronga Zoo
- Jasmine Burns
- Monica Schulman
- Marianne and Michael Retter
- James Goldwater



# Funding

<p><b>Joint State and Commonwealth Community Legal Services Program</b></p>	<p>We are required to reach specified targets of service delivery, and provide regular reports in relation to those activities and the use of funds received. This funding is aimed at assisting financially and socio-economically disadvantaged members of the community.</p>
<p><b>Immigration Application Advice and Assistance Scheme (IAAAS) administered by the Department of Home Affairs</b></p>	<p>The IAAAS is designed to provide disadvantaged people with free advice and application assistance in relation to immigration applications in Australia.</p> <p>The scheme pays the Centre, from an allocated pool of funding, for advice, casework and community information sessions when this work undertaken by our team.</p>
<p><b>Self-generated funds through our Education &amp; Training Program</b></p>	<p>All income generated by our fee-based Working with Professionals Program funds the core work of IARC.</p>
<p><b>Donations from supporters</b></p>	<p>Donations are welcome. We hold deductible gift recipient status as a registered charity, and therefore donations are tax-deductible.</p>
<p><b>Department of Family and Community Services</b></p>	<p>IARC received project funding for our education and training program in 2017-18.</p>

## Website - [www.iarc.asn.au](http://www.iarc.asn.au)

The IARC website provides the community with easy access to information about our services, and information about immigration.

The website is critical to our ability to provide information to all people, including those in remote areas and with otherwise limited means of accessing immigration advice and services.

Our website is translated into seven community languages using google translate.

## Social media - [@iarcaustralia](https://www.instagram.com/iarcaustralia)

IARC maintains a Facebook and Twitter account in order to increase access to the community to our information and services.



# Outlook for 2018-19

IARC will continue to face challenges in the year ahead. Both the Commonwealth and state governments are undertaking reviews into their funding of the community legal aid sector.

In 2017-18 the NSW Attorney General commissioned a review of the sector, the Cameron Review, and community legal centres will now need to go through an application process for triennial funding. While it is clear that IARC is serving an extremely vulnerable client group where legal need is high, the outcome of this application process is uncertain. However, it is unlikely that funding to our sector will be increased. Similarly, our Commonwealth funding is only known until 2019-20 and is also under review. Whatever the outcome of these funding reviews for the community legal sector, and for IARC itself, it is clear that IARC must look to diversify its funding sources and to increase its donations and support from the community. Another financial challenge arises from changes to the contract to deliver advice under the Immigration Application Advice and Assistance Scheme, a program of the Department of Home Affairs and a reduction in funding for our family violence work under this program.

IARC will embark on a new program that has been funded by Unions NSW to deliver immigration advice to disadvantaged migrant workers across NSW. This is a new partnership for IARC and will deliver exciting new opportunities for us to expand our reach to vulnerable migrants who are being exploited or threatened with visa cancellation if they raise issues at work. IARC will deliver information sessions to migrant communities as part of this project.

Dealing with highly vulnerable and often traumatised people who have multiple issues to work through takes time. Appointments cannot be rushed. It is important to empower our clients through our processes so that they understand their legal rights and responsibilities. The demand for our service is higher than our ability to provide advice and this puts much pressure on our staff and volunteers. Turning people away can have extreme consequences for those individuals, and therefore, IARC is constantly having to prioritise the most urgent cases while still trying to service all who come to us for support. Finding ways to expand our resource base to meet this demand will remain a priority for us.



## Case Study: Family Violence – Regional casework

Jacqui married an Australian citizen and was excited to be travelling to Australia with her son as the holder of a temporary partner visa. However, things did not go to plan once she arrived to Australia. Jacqui experienced abuse at the hands of her husband, which included physical violence, social isolation and servitude. Her husband would physically assault her in front of her son if she did not cook and clean to his satisfaction. Jacqui was not permitted to have a job or a mobile phone and living on the outskirts of a regional town in NSW, had no access to a vehicle. One night, Jacqui's husband threatened her with a knife in front of her son. Jacqui fled with her son to the police station, however the police did not use an interpreter and found it difficult to communicate with her. As a result, no ADVO was pursued by the police. Jacqui and her son found themselves in a very vulnerable situation, living in a refuge in regional NSW with no income.

We provided legal advice and assistance to Jacqui over several months remotely by phone and email. We assisted her to advise Immigration that her relationship with her husband had ended, and that she and her son had experienced family violence. We assisted Jacqui to collect evidence in order to satisfy Immigration that she and her son had experienced family violence from her husband. Ultimately, Immigration were satisfied that Jacqui had experienced family violence during her relationship with her husband, and she and her son were granted permanent residency.



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# Committees' Report

The committee members submit report together with the financial report of Immigration Advice & Rights Centre Inc. for the year ended 30 June 2018 thereon.

## Committee members

The names of the committee members at the date of this report are:

Kathryn Viegas (President)

Joanne Been (Vice President)

Suzette Peters (Treasurer) - until 7 September 2018

Peter Gesovic

Kerry Murphy - until 12 December 2017

Jasmine Burns

Giulio Katis - appointed 27 September 2017

## Operating Result

The surplus amounted to \$18,375 for the financial year ended 30 June 2018.

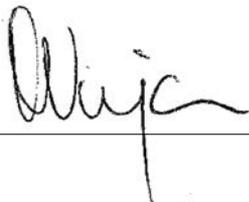
## Principal activities

The principal activity of the association during the year was the provision of free immigration legal advice, information and education as well as publications and advocacy.

There was no significant change in the nature of these activities during the year.

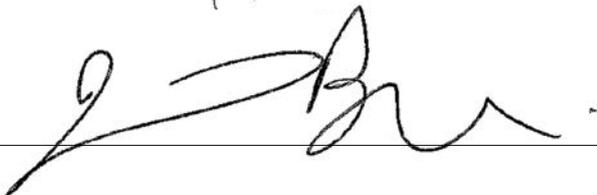
Signed in accordance with the resolution of the Members of the Committee.

President



Kathryn Viegas

Secretary



Jasmine Burns

Dated this 23rd day of October 2018



## Statement of Profit or Loss and Other Comprehensive Income

### For the year ended 30 June 2018

	Note	2018 \$	2017 \$
<b>Income</b>			
Grants	4	675,101	728,797
Interest received		4,248	6,900
Donations and fundraising		31,440	34,838
Other revenue		35,909	34,687
		746,698	805,222
<b>Expenditure</b>			
Advertising expense		(629)	(2,203)
Consultants expense		(12,809)	(4,940)
Depreciation and amortisation expense	5	(2,861)	(4,491)
Employee benefits expense		(560,086)	(584,512)
Equipment expenses		(5,820)	(5,820)
Fundraising expense		(4,759)	(8,617)
Occupancy expense		(94,353)	(86,190)
Publishing expenses		-	(129)
IT support and cloud services		(9,894)	(11,969)
Repairs and maintenance expense		-	(210)
Telephone and internet		(10,969)	(9,952)
Memberships		(5,221)	(5,205)
Travel		(1,746)	(6,460)
Other expenses		(19,176)	(25,083)
		(728,323)	(755,781)
<b>Surplus</b>		18,375	49,441
<b>Other comprehensive income for the year</b>		-	-
<b>Total comprehensive income</b>		18,375	49,441

The accompanying notes form part of these financial statements.

# Statement of financial position

## As at 30 June 2018

	Note	2018 \$	2017 \$
<b>Current assets</b>			
Cash and cash equivalents	6	381,800	311,509
Trade and other receivables	7	18,349	43,857
Other financial assets - term deposit	8	-	190,226
Prepayments	9	9,671	31,691
<b>Total current assets</b>		<b>409,820</b>	<b>577,283</b>
<b>Non-current assets</b>			
Other financial assets - term deposits	8	150,276	-
Property, plant and equipment	10	19,179	6,175
<b>Total non-current assets</b>		<b>169,455</b>	<b>6,175</b>
<b>Total assets</b>		<b>579,275</b>	<b>583,458</b>
<b>Current liabilities</b>			
Creditors and accruals	11	40,485	23,031
Employee benefits provisions	13	21,366	52,857
Other liabilities	12	17,706	26,227
<b>Total current liabilities</b>		<b>79,557</b>	<b>102,115</b>
<b>Total liabilities</b>		<b>79,557</b>	<b>102,115</b>
<b>Net assets</b>		<b>499,718</b>	<b>481,343</b>
<b>Members' funds</b>			
Accumulated surplus	14	499,718	481,343
<b>Total members' funds</b>		<b>499,718</b>	<b>481,343</b>

The accompanying notes form part of these financial statements.

# Statement of changes in members funds

## For the year ended 30 June 2018

	Accumulated surplus \$
<b>Balance as at 1 July 2016</b>	431,902
Surplus for the year	49,441
<b>Total comprehensive income for the year</b>	<b>49,441</b>
<b>Balance as at 1 July 2017</b>	481,343
Surplus for the year	18,375
<b>Total comprehensive income for the year</b>	<b>18,375</b>
<b>Balance as at 30 June 2018</b>	<b>499,718</b>

The accompanying notes form part of these financial statements.

# Statement of cash flows

## For the year ended 30 June 2018

	Note	2018 \$	2017 \$
<b>Cash flow from operating activities</b>			
Receipts from customers		1,047,755	836,789
Payments to suppliers and employees		(815,571)	(859,520)
Interest received		4,248	6,900
<b>Net cash provided by / (used in) operating activities</b>	16(b)	236,432	(15,831)
<b>Cash flow from investing activities</b>			
Payment for property, plant and equipment		(15,865)	-
Payment for investments		(150,276)	-
<b>Net cash provided by / (used in) investing activities</b>		(166,141)	-
<b>Reconciliation of cash</b>			
Cash at beginning of the financial year		311,509	327,340
Net increase / (decrease) in cash held		70,291	(15,831)
<b>Cash at end of financial year</b>	16(a)	381,800	<b>311,509</b>

The accompanying notes form part of these financial statements.

# Notes to financial statements

## For the year ended 30 June 2018

### NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

The committee has determined that the association is not a reporting entity on the basis that, in the opinion of the committee, there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to satisfy, specifically, all of their information needs. Accordingly, this financial report is a special purpose financial report, which has been prepared to satisfy the financial reporting requirements of the *Associations Incorporation Act 2009* and the *Australian Charities and Not for profits Commission Act 2012*.

The financial report covers Immigration Advice & Rights Centre Inc. as an individual entity. Immigration Advice & Rights Centre Inc. is a association, formed and domiciled in Australia. Immigration Advice & Rights Centre Inc. is a not for profit entity for the purpose of preparing the financial statements.

The financial report was approved by the committee as at the date of the committees' report.

The financial report has been prepared in accordance with the *Associations Incorporation Act 2009* and the *Australian Charities and Not for profits Commission Act 2012*, the recognition and measurement requirements specified by all Australian Accounting Standards and Interpretations, and the disclosure requirements of:

AASB 101: Presentation of Financial Statements

AASB 107: Statement of Cash Flows

AASB 108: Accounting Policies, Changes in Accounting Estimates and Errors

AASB 1048: Interpretation of Standards

AASB 1054: Australian Additional Disclosures

The following specific accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report:

#### (a) Income tax

The Association is exempt from Income Tax in accordance with the provisions of the *Income Tax Assessment Act 1997*.

#### (b) Property, plant and equipment (PPE)

Each class of plant and equipment is carried at cost less, where applicable, any accumulated depreciation and any accumulated impairment losses.

##### *Plant and equipment*

Plant and equipment is measured on the cost basis.

##### *Depreciation*

The depreciable amount of all property, plant and equipment is depreciated over their estimated useful lives commencing from the time the asset is held available for use, consistent with the estimated consumption of the economic benefits embodied in the asset.

# Notes to financial statements

## For the year ended 30 June 2018

### (c) Impairment of assets

An impairment loss is recognised when the carrying amount of an asset exceeds the asset's recoverable amount. The recoverable amount of an asset is defined as the higher of its fair value less costs to sell and value in use.

The recoverable amount is assessed on the basis of the expected net cash flows which will be received from the assets employment and subsequent disposal. The expected net cash flows have been discounted to present values in determining recoverable amounts.

### (d) Employee benefits

#### (i) Short term employee benefit obligations

Liabilities arising in respect of wages and salaries, annual leave and any other employee benefits (other than termination benefits) expected to be settled wholly before twelve months after the end of the annual reporting period are measured at the (undiscounted) amounts based on remuneration rates which are expected to be paid when the liability is settled. The expected cost of short term employee benefits in the form of compensated absences such as annual leave is recognised in the provision for employee benefits. All other short term benefit obligations are presented as payable in the statement of financial position.

#### (ii) Long term employee benefit obligations

The provision for other long term employee benefits, including obligations for long service leave and annual leave, which are not expected to be settled wholly before twelve months after the end of the reporting period, are measured at the present value of the estimated future cash outflow to be made in respect of the services provided by employees up to the reporting date.

Other long term employee benefit obligations are presented as current liabilities in the statement of financial position if the entity does not have an unconditional right to defer settlement for at least twelve months after the reporting date, regardless of when the actual settlement is expected to occur. All other long term employee benefit obligations are presented as non current liabilities in the statement of financial position.

### (e) Cash and cash equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short term highly liquid investments which mature within three months or less from the date of the end of financial year.

# Notes to financial statements

## For the year ended 30 June 2018

### (f) Revenue

Grant income is recognised as revenue in the year to which the associated expenditure and grant funding agreement relates. Accordingly, the income received in the current year for expenditure in future years are treated as grants in advance. Unexpended specific grant income at 30 June each year is disclosed as a liability in the financial statements. The amount brought to account as income is equivalent to that amount expensed by the Association during the financial year. Where surplus funds are required to be repaid, they will remain as a liability in the financial statements until repayment.

Donations are recognised as income when they are received and recorded in the financial records. Fundraising income is recognised when the event is held.

Interest revenue is measured in accordance with the effective interest method.

All revenue is measured net of the amount of goods and services tax (GST).

### (g) Leases

Leases of property plant and equipment, where substantially all the risks and benefits incidental to the ownership of the asset, but not the legal ownership, are transferred to the Association, are classified as finance leases. Finance leases are capitalised by recording an asset and a liability at the lower of the amounts equal to the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for that period.

Leased assets are depreciated on a straight line basis over the shorter of their estimated useful lives or the lease term. Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

#### *Operating leases*

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are recognised as an expense on a straight line basis over the term of the lease.

Lease incentives received under operating leases are recognised as a liability and amortised on a straight line basis over the life of the lease term.

### (h) Goods and services tax (GST)

Revenues, expenses and purchased assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the statement of financial position are shown inclusive of GST.

Cash flows are presented in the statement of cash flows on a gross basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flows.

# Notes to financial statements

## For the year ended 30 June 2018

### NOTE 2: ACCOUNTING STANDARDS ISSUED BUT NOT YET EFFECTIVE

The AASB has issued a number of new and amended Accounting Standards and Interpretations that have mandatory application dates for future reporting periods, some of which are relevant to the association. The association has decided not to early adopt any of these new and amended pronouncements. The association's assessment of the new and amended pronouncements that are relevant to the association but applicable in future reporting periods is set out below.

#### **AASB 9: Financial Instruments (applicable for annual reporting periods commencing on or after 1 January 2018).**

The Standard will replace AASB 139: Financial Instruments: Recognition and Measurement. The key changes that may affect the association on initial application of AASB 9 and associated amending Standards include:

- simplifying the general classifications of financial assets into those carried at amortised cost and those carried at fair value;
- permitting entities to irrevocably elect on initial recognition to present gains and losses on an equity instrument that is not held for trading in other comprehensive income (OCI);
- requiring an entity that chooses to measure a financial liability at fair value to present the portion of the change in its fair value due to changes in the entity's own credit risk in OCI, except when it would create an 'accounting mismatch'; and
- requiring impairment of financial assets carried at amortised cost to be based on an expected loss approach.

The committee members anticipate that the adoption of AASB 9 will not have an impact on the association's financial instruments.

#### **AASB 15: Revenue from Contracts with Customers (applicable to not for profit entities for annual reporting periods commencing on or after 1 January 2019).**

AASB 15 will provide (except in relation to some specific exceptions, such as lease contracts and insurance contracts) a single source of accounting requirements for all contracts with customers, thereby replacing all current accounting pronouncements on revenue.

The Standard provides a revised principle for recognising and measuring revenue. Under AASB 15, revenue is recognised in a manner that depicts the transfer of promised goods or services to customers in an amount that reflects the consideration to which the provider of the goods or services expects to be entitled.

AASB 15 also provides additional guidance to assist entities in applying the revised principle to licences of intellectual property, warranties, rights of return, principal/agent considerations and options for additional goods and services.

Although the committee members anticipate that the adoption of AASB 15 may have an impact on the association's reported revenue, it is impracticable at this stage to provide a reasonable estimate of such impact.

## Notes to financial statements

### For the year ended 30 June 2018

#### **AASB 16: Leases (applicable for annual reporting periods commencing on or after 1 January 2019).**

AASB 16 will replace AASB 117: Leases and introduces a single lessee accounting model that will require a lessee to recognise right of use assets and lease liabilities for all leases with a term of more than 12 months, unless the underlying asset is of low value. Right of use assets are initially measured at their cost and lease liabilities are initially measured on a present value basis. Subsequent to initial recognition:

- right of use assets are accounted for on a similar basis to non financial assets, whereby the right of use asset is accounted for in accordance with a cost model unless the underlying asset is accounted for on a revaluation basis, in which case if the underlying asset is:
- investment property, the lessee applies the fair value model in AASB 140: Investment Property to the right of use asset; or
- property, plant or equipment, the lessee can elect to apply the revaluation model in AASB 116: Property, Plant and Equipment to all of the right of use assets that relate to that class of property, plant and equipment; and
- lease liabilities are accounted for on a similar basis as other financial liabilities, whereby interest expense is recognised in respect of the liability and the carrying amount of the liability is reduced to reflect lease payments made.

Although the committee members anticipate that the adoption of AASB 16 may have an impact on the association's accounting for its operating leases, it is impracticable at this stage to provide a reasonable estimate of such impact.

#### **AASB 1058: Income of Not for Profit Entities (applicable for annual reporting periods commencing on or after 1 January 2019).**

AASB 1058 replaces the income recognition requirements in AASB 1004: Contributions applicable to not for profit entities with a model based on the principles of AASB 15: Revenue from Contracts with Customers. Consequently, AASB 1058 requires not for profit entities to recognise all revenue from contracts with customers when the related performance obligations are satisfied, irrespective of whether the ultimate beneficiary of the goods or services provided by the not for profit entity is the grantor of the funds or another entity. An agreement involving a not for profit entity would be classified as a contract with a customer if the agreement:

- creates enforceable rights and obligations between the parties; and
- includes a promise by the not for profit entity to transfer a good or service that is sufficiently specific for the entity to determine when the obligation is satisfied.

For contracts with customers that comprise a donation component, AASB 1058 requires such components to be treated as part of the performance obligation(s) unless the entity can demonstrate that component is not related to the promised goods or services.



# Notes to financial statements

## For the year ended 30 June 2018

When an arrangement does not meet the criteria for a contract with a customer, the inflows are accounted for in accordance with AASB 1058, which requires:

- the asset received by the not for profit entity to be accounted for in accordance with the applicable Australian Accounting Standard; and
- any difference between the consideration given for the asset and its fair value to be recognised in accordance with its substance (such as a contract liability, a financial instrument and/or a contribution by owners), and any residual amount recognised as income.

AASB 1058 also permits a not for profit entity to recognise volunteer services as an asset or expense (as applicable) and any related contributions by owners or revenue as an accounting policy choice, provided that the fair value of the services can be measured reliably.

Although the committee members anticipate that the adoption of AASB 1058 and related Standards may have an impact on the association's reported revenue, it is impracticable at this stage to provide a reasonable estimate of such impact.

### NOTE 3: SIGNIFICANT ACCOUNTING ESTIMATES AND JUDGEMENTS

In the application of the association's accounting policies, management is required to make judgements, estimates and assumptions about carrying value of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimates is revised if the revision affects only that period or in the period of the revision and future periods if the revision affects both current and future periods.

## Notes to financial statements

### For the year ended 30 June 2018

	2018 \$	2017 \$
<b>NOTE 4: GRANTS RECEIVED</b>		
Legal Aid	518,867	528,083
IAAAS	146,164	195,714
Other Grants	10,071	5,000
	675,102	728,797
<b>NOTE 5: OPERATING SURPLUS</b>		
Surplus before income tax has been determined after:		
Depreciation		
- plant and equipment	2,861	4,491
Employee benefits	560,086	584,512
<b>NOTE 6: CASH AND CASH EQUIVALENTS</b>		
Cash at bank	380,060	311,233
Cash on hand	1,740	276
	381,800	311,509
<b>NOTE 7: RECEIVABLES</b>		
<b>CURRENT</b>		
Trade debtors	18,349	43,857
<b>NOTE 8: OTHER FINANCIAL ASSETS</b>		
<b>CURRENT</b>		
<i>Held to maturity financial assets</i>		
Short term bank deposits	-	58,967
Term deposit	-	131,259
Total held to maturity financial assets	-	190,226
<b>NON CURRENT</b>		
<i>Held to maturity financial assets</i>		
Term deposit	131,259	-
Term deposit as security for lease agreement	19,017	-
Total held to maturity financial assets	150,276	-

# Notes to financial statements

## For the year ended 30 June 2018

	2018 \$	2017 \$
<b>NOTE 9: OTHER ASSETS</b>		
<b>CURRENT</b>		
Prepayments	1,950	10,198
Accrued income	7,721	21,493
	9,671	31,691
<b>NOTE 10: PROPERTY, PLANT AND EQUIPMENT</b>		
Property, plant & equipment - at cost	53,608	37,743
Accumulated depreciation	(34,429)	(31,568)
	19,179	6,175
	-	-
<b>NOTE 11: PAYABLES</b>		
<b>CURRENT</b>		
<i>Unsecured liabilities</i>		
Trade creditors	656	574
Sundry creditors and accruals	39,829	22,457
	40,485	23,031
<b>NOTE 12: OTHER LIABILITIES</b>		
<b>CURRENT</b>		
Deferred income	17,706	26,227
<b>NOTE 13: PROVISIONS</b>		
<b>CURRENT</b>		
Employee benefits	(a) 21,366	52,857
<b>(a) Aggregate employee benefits liability</b>	21,366	52,857
<b>NOTE 14: ACCUMULATED SURPLUS</b>		
Accumulated surplus at beginning of year	481,343	431,902
Surplus for the year	18,375	49,441
	499,718	481,343

# Notes to financial statements

## For the year ended 30 June 2018

	2018 \$	2017 \$
<b>NOTE 15: CAPITAL AND LEASING COMMITMENTS</b>		
<b>(a) Expenditure commitments contracted for:</b>		
- printing services	5,807	11,627
Payable		
- not later than one year	5,807	5,820
- later than one year and not later than five years	-	5,807
	5,807	11,627
The expenditure commitment relates to printing services provided to the Association for a five year term from an external IT services entity.		
<b>NOTE 16: CASH FLOW INFORMATION</b>		
<b>(a) Reconciliation of cash</b>		
Cash at the end of the financial year as shown in the statement of cash flows is reconciled to the related items in the statement of financial position is as follows:		
Cash at bank	380,060	311,233
Cash on hand	1,740	276
	381,800	311,509
<b>(b) Reconciliation of cash flow from operations with surplus from operating activities</b>		
Surplus from ordinary activities after income tax	18,375	49,441
<b>Adjustments and non cash items</b>		
Depreciation	2,861	4,491
<b>Changes in operating assets and liabilities</b>		
(Increase) / decrease in receivables	25,508	(12,366)
(Increase) / decrease in other assets	212,246	3,313
Increase / (decrease) in payables	17,454	(45,347)
Increase / (decrease) in other liabilities	(8,521)	(28,551)
Increase / (decrease) in provisions	(31,491)	13,188
	218,057	(65,272)
Cash flows from operating activities	236,432	(15,831)

# Notes to financial statements

## For the year ended 30 June 2018

### NOTE 17: ASSOCIATION DETAILS

The registered office and principal place of business of the association is:

Level 8, 377 383 Sussex Street  
SYDNEY NSW 2000



## Additional information furnished under the Charitable Fundraising Act 1991 (NSW) For the year ended 30 June 2018

	2018 \$	2017 \$
<b>Detail of gross income and expenditure of fundraising activities:</b>		
Gross income from fundraising	31,082	34,838
Total costs of fundraising	(6,222)	(8,617)
	24,860	26,221



## Statement by members of the committee

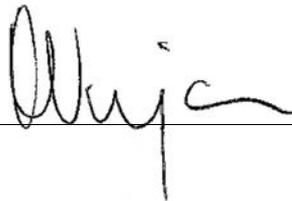
The committee declare that:

1. there are reasonable grounds to believe that the registered entity is able to pay all of its debts, as and when they become due and payable; and
2. the financial statements and notes satisfy the requirements of the *Associations Incorporation Act 2009* and the *Australian Charities and Not for profits Commission Act 2012*.
3. Pursuant to Schedule 1, Section 7(3) of the *Charitable Fundraising Regulations 2008*;
  - (a) the Statement of Profit and Loss and Other Comprehensive Income is drawn up so as to give a true and fair view of income and expenditure of the Association for the year ended 30 June 2018 with respect to fundraising appeals;
  - (b) the Statement of Financial Position is drawn up so as to give a true and fair view of the state of affairs of the Association as at 30 June 2018 with respect to the fundraising appeals;
  - (c) the provisions of the *Charitable Fundraising Act 1991* and the Regulations under the Act and the conditions attached to the Association have been complied with for the year ended 30 June 2018; and
  - (d) the internal controls exercised by the Association are appropriate and effective in accounting for all income received and applied by the company from any of the fundraising appeals.

Signed in accordance with a meeting of members.

President

Kathryn Viegas



Secretary

Jasmine Burns



Dated this

23<sup>rd</sup>

day of

October

2018





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**IMMIGRATION ADVICE & RIGHTS CENTRE INC.  
INDEPENDENT AUDITOR'S REPORT  
TO THE MEMBERS OF IMMIGRATION ADVICE & RIGHTS CENTRE INC.**

**Report on the Audit of the Financial Report**

*Opinion*

We have audited the financial report, being a special purpose financial report of Immigration Advice & Rights Centre Inc., "the Association", which comprises the statement of financial position as at 30 June 2018, the statement of profit or loss and other comprehensive income, statement of changes in members funds and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the statement by members of the committee.

In our opinion, the accompanying financial report of Immigration Advice & Rights Centre Inc., is in accordance with the financial reporting requirements of the *Associations Incorporation Act 2009* and Division 60 of the *Australian Charities and Not-for-profits Commission Act 2012*, including:

- (a) giving a true and fair view of the Association's financial position as at 30 June 2018 and of its financial performance for the year then ended; and
- (b) complying with Australian Accounting Standards and Division 60 of the *Australian Charities and Not-for-profits Commission Regulation 2013*.

*Basis for Opinion*

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Association in accordance with the *Australian Charities and Not-for-profits Commission Act 2012* "ACNC Act" and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* "the Code" that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

*Emphasis of Matter - Basis of Accounting*

We draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist Immigration Advice & Rights Centre Inc. to meet the requirements of the *Associations Incorporation Act 2009*, the ACNC Act, the *Charitable Fundraising Act 1991* and the financial reporting needs of the members as determined by the governing committee. As a result, the financial report may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

### *Other Information*

The committee are responsible for the other information. The other information comprises the information included in the Association's annual report for the year ended 30 June 2018, but does not include the financial report and our auditor's report thereon.

Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

### *Responsibilities of the Committee for the Financial Report*

The Committee is responsible for the preparation and fair presentation of the financial report in accordance with the financial reporting requirements of the ACNC Act and for such internal control as the Committee determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Committee is responsible for assessing the Association's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the Committee either intends to liquidate the Association or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Association's financial reporting process.

### *Auditor's Responsibilities for the Audit of the Financial Report*

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Association's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the committee.

- Conclude on the appropriateness of the committee' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Association's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Association to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

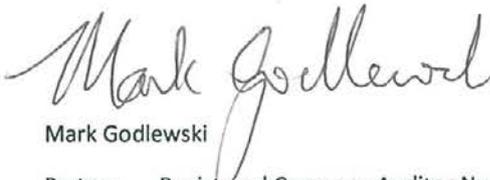
We communicate with the committee regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

#### **Report on Other Legal and Regulatory Requirements**

Report in Accordance with Section 24 of the Charitable Fundraising Act 1991

In our opinion:

- (a) the financial statements of the Association show a true and fair view of the financial results of charitable and fundraising activities for the year ended 30 June 2018;
- (b) the financial statements and associated records of the Association have been properly kept during the year in accordance with the Charitable Fundraising Act 1991;
- (c) money received as a result of charitable and fundraising activities conducted during the year has been properly accounted for and applied in accordance with the Act; and
- (d) there are reasonable grounds to believe the Association will be able to pay its debts as and when they fall due.



Mark Godlewski

Partner Registered Company Auditor Number: 172 348

25 October 2018



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